

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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**PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND MOTION FOR
LEAVE TO DESIGNATE SUBSTITUTE EXPERT WITNESS**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on a schedule to be set at the convenience of at the United States Courthouse at 500 Pearl Street, New York, New York 10007, before the Hon. Shira A. Scheindlin, United States District Judge, Plaintiff the City of New York hereby moves this Court to enter an Order as follows:

To grant the City leave to designate Dr. Kenneth M. Rudo in place of Dr. Kathleen Burns as a testifying expert witness.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting the relief set forth in this Motion. In support of its Motion, Plaintiff relies upon the Memorandum of Law, Declaration of Nicholas G. Campins, Declaration of Susan E. Amron, Declaration of Robert S. Chapman, and Declaration of Kenneth M. Rudo filed concurrently herewith, and the pleadings, records and files in this action.

Dated: San Francisco, California
August 13, 2009

Respectfully submitted,

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